

D. C. Form No. 106A Rev.

| TITLE OF CASE | | ATTORNEYS | | | |
|---|----------------------------|---|------------------------|-------|-------|
| ROLAND H. DANIEL v. MISSOURI PACIFIC RAILROAD COMPANY, a corporation, and THE ORDER OF RAILROAD TELEGRAPHERS, and the BROTHERHOOD OF RAILWAY, AIRLINE & STEAMSHIP CLERKS, FREIGHT HANDLERS, EXPRESS AND STATION EMPLOYEES, | | For plaintiff: Jeff Nix 625 Wright Building Tulsa, Okla. 74103 For defendant: Highsaw & Mahoney 1015 Eighteenth St., N. W. Washington, D.C. 20036 Hall & Sublett 905 National Bank of Tulsa Bldg. Tulsa, Oklahoma 74103 <u>ATTYS FOR ALL DEFT.S except</u> <u>Missouri Pacific RR Co.</u> Dyer, Powers & Marsh (Missouri Pacific) 1501 Fourth Natl. Building Tulsa, Okla. 74119 (587-0141) | | | |
| STATISTICAL RECORD | COSTS | DATE | NAME OR RECEIPT NO. | REC. | DISB. |
| J.S. 5 mailed 3-1-74 | Clerk | 2/7/74 | Ungerma | 15 00 | 15 00 |
| J.S. 6 mailed 12-1-74 | Marshal | 2-14-74 | C/D #31 | | |
| Basis of Action: Age Discrimination in Employment Act of 1967 | Docket fee Witness fees | | | | |
| Action arose at: | Depositions | | | | |

| DATE | PROCEEDINGS | Date Order or Judgment Noted |
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| 2-7-74 | 1. Complaint, filed. , Summons issued. rm | |
| 2-20-74 | 2. Summons Ret. & filed: Served Missouri Pacific Railroad Company in Oklahoma City on 2-11-74. Served The Order of Railroad Telegraphers, and Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers Express & Station Employees in Tulsa on 2-8-74 by serving Kim Rogers. (USM \$7.80)s Defts. | |
| 2-25-74 | 3. Motion/for Enlargement of Time, filed.jj | |
| 2-25-74 | 4. Order, filed, Enlarging Time within which Defts. May Ans. until 3-15-74. (JCS-Clk)jj copy mailed | |
| 3-1-74 | 5. Application to Extend Period of Time for Filing an answer, filed.s | |
| 3-4-74 | 6. Order ext. time for Missouri Pacific Ry. to answer to 4-3-74, (AEB-J)g | |
| 3-12-74 | 7. <u>Answer</u> of deft. Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees to Complaint, filed. e | |
| 4-2-74 | 8. Appl. to extend period of time for responding to Pltf's petition filed by deft., Mo. Pacific RR Co. v (o) | |
| 4-3-74 | 9. Objection to Deft. Missouri Pacific Railroad Co's Application For Extension of Time. e | |
| 4-4-74 | 10. Order, filed granting deft. Missouri-Pacific, until 5-3-74 to respond to petition . (AEB-J)g cpies mailed. | |
| 5-3-74 | 11. Answer of Deft. Mo. Pacific Railroad Co., filed. v | |
| 5-17-74 | 12. Parties directed to hold pre-trial conference on or before 6-24-74 and file PT Order on or before 7-1-74(AEB-J).s | |
| 7-2-74 | 13. Pre-trial order, filed. (AEB-J)k | |
| 7-29-74 | 14. Pltf. Roland H. Daniel's Interrogatories to Deft. Missouri Pacific Railroad, filed.jj | |
| 8-13-74 | MO: Case set for non-jury trial on 8-20-74, at 10:00 A.M.(AEB-J)b | |
| 8-14-74 | 15. Application for continuance of trial date filed by both parties. b 069 | |
| 8-15-74 | 16. Order allowing continuance of trial date (AEB-J) b | |
| 8-30-74 | Case set for non-jury trial on 11-11-74, at 9:30 A.M. (AEB-J)b | |
| 8-30-74 | 17. Answers of deft, Mo. Pac, RR Co. to Interrogatories, filed. lm | |
| 9-3-74 | Deposition of Roland H. Daniel taken on behalf of Def. Missouri Pacific on 8-21-74 in OK before Evelyn E. Rutherford, LSR, filed (\$136.50).k | |
| 10-2-74 | 18. Motion to compel answers to interrog., filed, by pltf to Mo. RR.k | |
| 10-2-74 | MO: It is ordered by the Court that deft. Missouri Pacific RR Co. is granted ten days to respond to Mot. to compel answers. (AEB-J)k cps mld | |

D. C. 110A Rev. Civil Docket Continuation

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| DATE | PROCEEDINGS | Date Order or Judgment Noted |
|-----------|--|------------------------------|
| 10-4-74 | 19. MOTION of Deft. Brotherhood of Railway, etc., for Summary Judgment filed.jj | |
| 10-4-74 | 20. BRIEF in Support of Mtn. of Deft. Brotherhood etc. for S/J filed.jj | |
| 10-4-74 | 21. REQUEST for Hearing on Mtn. of Deft. Brotherhood, etc. for S/J, filed.jj | |
| 10-4-74 | 22. MOTION of Deft., Brotherhood for Continuance of Trial Date until 11-14-74, filed.jj | |
| 10-4-74 | MO: It is Ordered by the Court that pltf. is granted 10 days to respond to defts., Brotherhood, etc., Motion for Summary Judgment (AEB-J)jj | |
| 10-8-74 | 23. Deft. Missouri Pacific Railroad Company's Response to Motion to Compel Answers to Interrogatories, filed. v | |
| 10-22-74 | MO: IT IS ORDERED by the Court that this case is transferred to Judge Howard C. Bratton for Non-Jury Trial on 11-11-74 at 9:30 A.M. (AEB-J)v -notices mailed. | |
| 11-1-74 | 24. Confession of Judgment, filed by Pltf. v | |
| 11-4-74 | 25. Order directing Deft. Missouri Pacific RR Co. to fully answer certain Interrogatories, filed and entered (HCB-J)b | |
| 11-14-74, | 26. Trial Brief of Deft. Missouri Pacific RR Co., filed. b | |
| 11-14-74 | 27. Judgment, filed & entered, that judgment shall be for defts. & complaint & cause of action are dismissed w/ prejudice; that defts. recover costs of action from pltf. provided that each party bear its own atty. fees. (HCB-J)k cps mld | |
| 11-14-74 | Case tried to the Court. Parties present and announce ready. Opening statements made. Pltf. presents case in chief with testimony of witnesses. Pltf's exhibits A through K admitted. Pltf. rests. Deft's motion for dismissal denied. Deft. presents case in chief with testimony of witnesses. Deft's exhibits 1 through 18 admitted. Deft. rests. Parties rest. Closing arguments made. Court finds in favor of deft. and costs awarded to deft. by pltf. (HCB-J)(Margaret Wilkins-CSR) hm per K.R. Garcia) | |
| 11-14-74 | 28. Index to trial exhibits of deft. Mo-Pac. RR Co., filed, in open court.hm (in envelope with exhibits) | |
| 11-14-74 | Trial e xhibits, filed. hm | |
| 11-15-74 | Transcript of decision of the Court, filed. hm | |
| 12-6-74 | 30. Motion of Brotherhood of Railway & Airline Clerks for judgment for costs, filed. g to J. Bratton | |
| 12-26-74 | 31. Order, filed, that judgment for costs in sum of \$214.65 be for the Deft. The Brotherhood of Railway, etc. (HCB-J)jj copies mailed | |

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